

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:16cv43**

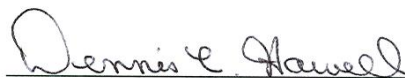
BEVERLY & CAREY CRESPO,)	
)	
)	
Plaintiffs,)	
)	
v.)	
)	ORDER
)	
OCWEN LOAN SERVICING, LLC,)	
et al.,)	
)	
Defendants.)	
_____)	

Pending before the Court is the Motion to Dismiss [# 3]. Plaintiffs brought this action for alleged violations of the Truth in Lending Act and the Real Estate Settlement Procedures Act, as well as for injunctive and declaratory relief. Defendants Ocwen Loan Servicing, LLC and Mortgage Electronic Registration Systems, Inc (collectively, “Defendants”) move to dismiss the claims asserted against them pursuant to Rule 8 and Rules 12(b)(5)-(6). In response to the Defendants’ motion, Plaintiffs request leave to amend the Complaint to correct any deficiencies and additional time to re-serve Defendants.

Although Local Rule 7.1(C)(2) requires that a party separately file a motion and a separately filed brief and not include motions in a response brief, the Court

will consider Plaintiffs' requests for additional time to perfect service and to amend the Complaint contained in their response in light of their *pro se* status. Upon a review of the record and the relevant legal authority, including Rule 15 of the Federal Rules of Civil Procure, the Court **GRANTS** Plaintiffs leave to amend their Complaint and an extension of time to perfect service of process on Defendants. The Court **DIRECTS** Plaintiffs that they shall have ten (10) days from the entry of this Order to amend their Complaint if they decide to do so. Plaintiffs shall have thirty (30) days from the entry of this Order to perfect service on Defendants. If Plaintiffs fail to perfect serve within this thirty day period, the Court will recommend that the District Court dismiss this action. The Court **DENIES without prejudice** the Motion to Dismiss [# 3]. Defendants may renew their motion after the expiration of the thirty day period.

Signed: August 29, 2016



Dennis L. Howell
United States Magistrate Judge

